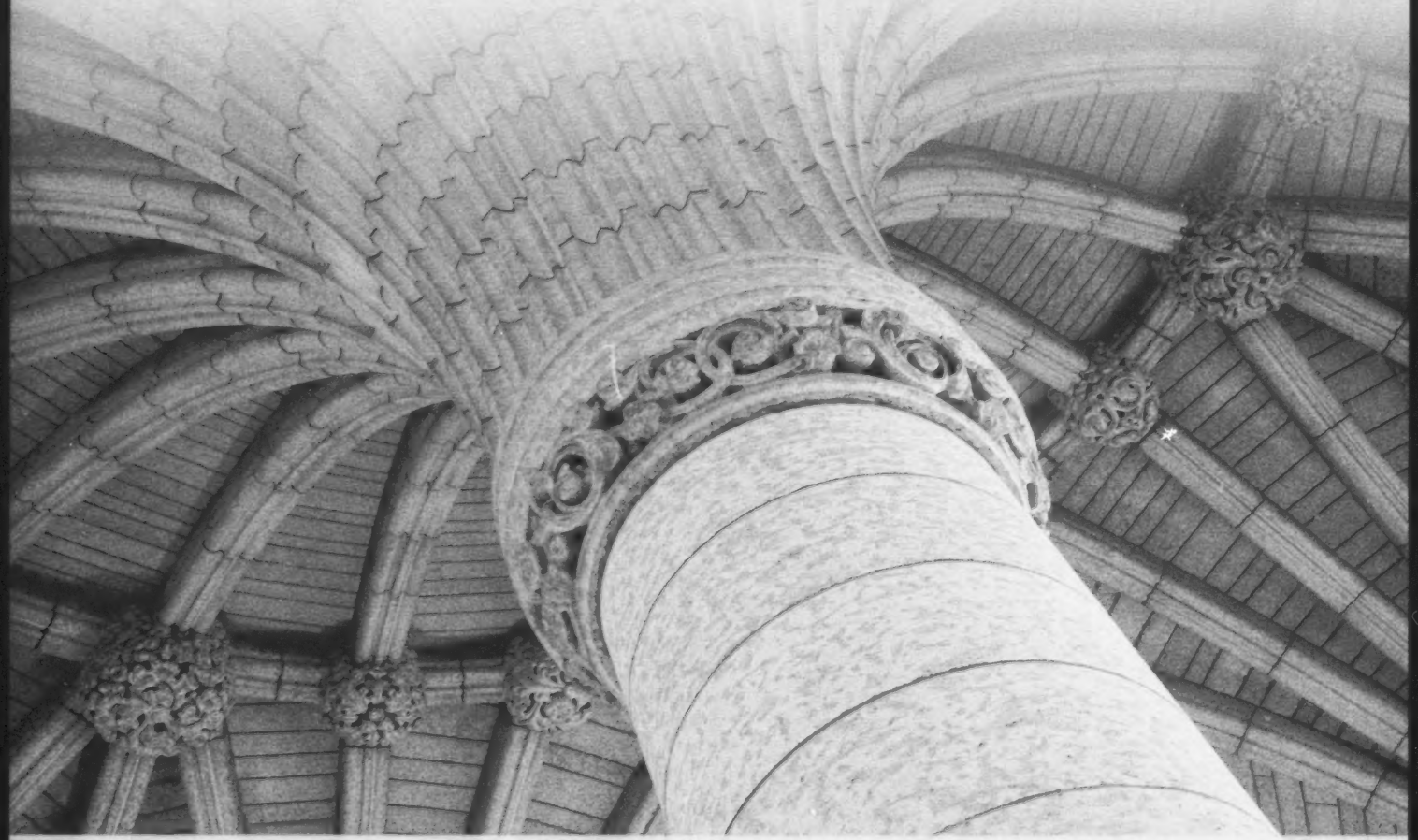
HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

INDIGENOUS PEOPLE IN THE FEDERAL CORRECTIONAL SYSTEM

Report of the Standing Committee on Public Safety and National Security

The Honourable John McKay, Chair



JUNE 2018
42nd PARLIAMENT, 1st SESSION

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Hon. John McKay
Chair

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NOTICE TO READER

Reports from committees presented to the House of Commons

Presenting a report to the House is the way a committee makes public its findings and recommendations on a particular topic. Substantive reports on a subject-matter study usually contain a synopsis of the testimony heard, the recommendations made by the committee, as well as the reasons for those recommendations.

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THE STANDING COMMITTEE ON PUBLIC SAFETY AND NATIONAL SECURITY

has the honour to present its

TWENTY SECOND REPORT

Pursuant to its mandate under Standing Order 108(2), the Committee has studied Indigenous people in the correctional system and has agreed to report the following:

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LIST OF RECOMMENDATIONS

As a result of their deliberations, committees may make recommendations which they include in their reports for the consideration of the House of Commons or the Government. Recommendations related to this study are listed below.

Recommendation 1

That the Government of Canada continue to support and consider increasing funding to the Aboriginal Head Start in Urban and Northern Communities program. 6

Recommendation 2

That Correctional Service Canada increase the number of agreements with Indigenous communities under section 81 of the *Corrections and Conditional Release Act*. 16

Recommendation 3

That the Government of Canada increase funding to Indigenous communities for agreements under section 81 of the *Corrections and Conditional Release Act* in order to address the funding gap between healing lodges operated by Indigenous communities and those operated by the Correctional Service Canada. 16

Recommendation 4

That Correctional Service Canada make greater use of agreements concluded with Indigenous communities under section 84 of the *Corrections and Conditional Release Act*, and establish the required capacity. 17

Recommendation 5

That Correctional Service Canada make increased use of elder assisted parole hearings. 17

Recommendation 6

That the *Corrections and Conditional Release Act* be amended to require a parliamentary review by a joint committee of the House of Commons and the Senate, every five years, of the provisions of the *Corrections and Conditional Release Act* concerning Indigenous peoples, specifically sections 81 and 84. 17

Recommendation 7

That Correctional Service Canada develop risk assessment tools that are more sensitive to Indigenous reality and review its security classification assessment process..... 20

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Recommendation 10

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Recommendation 11

That a deputy commissioner for Indigenous affairs be immediately appointed within federal corrections..... 21

Recommendation 12

That Correctional Service Canada provide professional, community-based training to parole officers, simplify the hiring process for officers, and raise community awareness to increase the number of Indigenous staff. 22

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That Correctional Service Canada whenever possible call upon elders who are recognized as such by Indigenous communities. 22

Recommendation 15

That Correctional Service Canada implement correctional programs designed specifically to meet the needs of Indigenous young adults in the correctional system. 24

Recommendation 16

That Correctional Service Canada adopt a trauma-informed therapeutic approach by implementing correctional programs that are adapted to the specific needs of Indigenous women..... 25

Recommendation 17

That Correctional Service Canada adjust its work programs to reflect the current labour market in ways that do not reinforce gender stereotype jobs with a goal of supporting the successful rehabilitation and reintegration of Indigenous offenders..... 26

Recommendation 18

That Correctional Service Canada provide employment programs to more Indigenous offenders by establishing employment centres in all healing lodges and correctional facilities, and using, as required, community organizations that provide employment services to Indigenous offenders. 27

Recommendation 19

That Correctional Service Canada review and revise its policy and internal release process to make sure that Indigenous offenders can obtain ID that is recognized in the labour market, prior to release..... 27

HOUSE OF COMMONS
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CANADA

INDIGENOUS PEOPLE IN THE FEDERAL CORRECTIONAL SYSTEM

INTRODUCTION

A. Mandate

On Monday, 6 March 2017, the House of Commons Standing Committee on Public Safety and National Security (the Committee) agreed to undertake a study of Indigenous inmates in the federal correctional system and the issues related to their release and re-integration into the community. The Committee heard from 15 witnesses over the course of four meetings in October and November 2017.[1]

The Committee agreed that the evidence provided by the Office of the Correctional Investigator (OCI) on 1 December 2016 and 31 May 2016 regarding its last two Annual Reports (2014–2015/ 2015–2016) be deemed adduced to this study and that the Committee report its findings to the House.[2]

B. Context

The OCI reports that, on any given day, there are approximately 3,500 Indigenous people in federal penitentiaries.[3] Although our study is limited to this important topic, witnesses pointed out that the over-representation of Indigenous people in the correctional system is rooted in society and involves social, economic, cultural and legal aspects. The Committee agrees with all witnesses that an all-encompassing vision, and therefore a holistic solution, is needed.

For example, witnesses commented on a specific issue that continues to affect the Indigenous community to this day: a gap in early education about Indigenous culture experienced by Indigenous children. The Committee heard from Terry Teegee, Regional Chief, Assembly of First Nations who said, "... we need more resources for our children connecting back to our culture."[4] The success of the Aboriginal Head Start in Urban and

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1 A list of witnesses can be found in Appendix A and a list of briefs in Appendix B of the report.

2 House of Commons, Standing Committee on Public Safety and National Security, *Minutes of Proceedings*, 6 March 2017.

3 Taken from Office of the Correctional Investigator, *Aboriginal Issues*.

4 SECU, Terry Teegee, (Regional Chief, Assembly of First Nations), Evidence, 21 November 2017.

Northern Communities Program (AHSUNC)[5] was also mentioned by witnesses as a valuable program in making sure people are not ending up in the incarceration system in the first place because they have a better education.[6] However, in 2009-2010 this program only reached about 4% of all Indigenous children aged 0-6 living off-reserve across Canada.[7]

A 2017 evaluation of AHSUNC from 2011-2012 to 2015-2016, conducted by the Public Health Agency of Canada, lists among its conclusion that:

> [the] program has been effective in increasing school readiness through increased language, motor and academic skills and other developmental benefits for participating children, including those with special needs. There is also evidence that children and families see long term benefits from exposure to Indigenous culture and language programming offered by sites ... [and] evidence suggests that the program is linked to successful long term outcomes for many graduates, their families and their communities.[8]

Therefore, the Committee recommends:

Recommendation 1

That the Government of Canada continue to support and consider increasing funding to the Aboriginal Head Start in Urban and Northern Communities program.

The over-representation of Indigenous people in the federal correctional system is not new. In fact, the over-representation of Indigenous inmates within the federal

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5 Since 1995 the Aboriginal Head Start in Urban and Northern Communities program (AHSUNC) has delivered holistic programs to enhance the spiritual, emotional, physical and social well-being of Indigenous children aged 0-6 and their families across some 134 sites in Canada reaching on average 4,700 children.

6 Dale LeClair, (Chief of Staff, Métis National Council), Evidence, 21 November 2017; SECU, Terry Teegee, (Regional Chief, Assembly of First Nations), Evidence, 21 November 2017.

7 Public Health Agency of Canada. "Evaluation of the Aboriginal Head Start in Urban and Northern Communities Program 2011-2012 to 2015-2016." October 25, 2017. https://www.canada.ca/en/public-health/corporate/transparency/corporate-management-reporting/evaluation/2011-2012-2015-2016-aboriginal-head-start-urban-and-northern-communities-program.html#a2.

8 Public Health Agency of Canada. "Evaluation of the Aboriginal Head Start in Urban and Northern Communities Program 2011-2012 to 2015-2016." October 25, 2017. https://www.canada.ca/en/public-health/corporate/transparency/corporate-management-reporting/evaluation/2011-2012-2015-2016-aboriginal-head-start-urban-and-northern-communities-program.html#a2

correctional system has been a concern of the Correctional Service Canada (CSC) since the 1970s.[9]

In his testimony, Neal Freeland has indeed spoken of a deeply rooted problem:

> And generations of indigenous people have found themselves
> Growing up in youth prisons,
> Graduating to adult prison,
> Where they are surrounded by non-indigenous jailers.
> Where they are cut off from culture, from people,
> Where everyone around them that they are forced to live with are resentful,
> Angry, frustrated, confused, full of bitterness and rage, and hatred,
> And
> With no access to adequate mental health resources,
> With outdated programming designed by social workers that have never been to prison
> ...
> If you create a healing lodge for indigenous prisoners, then you need to let the community run it:
> Indigenous programming for indigenous people by indigenous people,
> And provide the community with the training to do so properly, efficiently, effectively.[10]

Moreover, the incarceration of Indigenous people has received the attention of a large number of commissions and inquiries over the past decades in Canada. In 1996, the Royal Commission on Aboriginal Peoples found the over-representation of Indigenous people in the criminal justice system to be "injustice personified."[11] The Commission found:

> The Canadian criminal justice system has failed the Aboriginal peoples of Canada – First Nations, Inuit and Metis people, on-reserve and off-, urban and rural – in all territorial and governmental jurisdictions. The principal reason for this crushing failure is the fundamentally different world views of Aboriginal and non-Aboriginal people with respect to such elemental issues as the substantive content of justice and the process of achieving justice.[12]

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9 Office of the Correctional Investigator, *Spirit Matters: Aboriginal People and the Corrections and Conditional Release Act*, Final Report, 22 October 2012.

10 SECU, Neal Freeland, *Evidence*, 23 November 2017.

11 Jonathan Rudin, Supreme Court Law Review (2008), 40 S.C.L.R. (2d), *Aboriginal Over-representation and R. v. Gladue: Where We Were, Where We Are and Where We Might Be Going*, p. 689.

12 Royal Commission on Aboriginal Peoples, ***Bridging the Cultural Divide: A Report on Aboriginal People and Criminal Justice in Canada*** (Ottawa: The Commission, 1996), p. 309.

The Supreme Court of Canada, in its landmark decision *R. v. Gladue*, characterized the over-representation of Indigenous peoples in the Canadian criminal justice system as a "crisis" situation, revealing "a sad and pressing social justice problem."[13]

More recently, the Truth and Reconciliation Commission of Canada reported that:

> Aboriginal overrepresentation in prison reflects a systemic bias in the Canadian justice system. Once Aboriginal persons are arrested, prosecuted, and convicted, they are more likely to be sentenced to prison than non-Aboriginal people.[14]

To gain insight into this issue, we refer the reader to the many studies, reviews and commissions on the issue, most of which have been cited in this report.[15] The Committee therefore adds its observations to this collection of work. This is the second time the Committee has made recommendations to improve outcomes for Indigenous people in the federal correctional system. In fact, in 2010, the Committee highlighted the need for action and the need to better respond to Indigenous offenders in its report on *Mental Health and Drug and Alcohol Addiction in the Federal Correctional System*.[16]

Despite the fact that the CSC does not control admissions to its institutions, the Committee believes that the CSC has a role to play in studying the underlying factors leading to crime while offering programs that meet the needs of Indigenous people. This role consists of reducing the risk of re-offending by adequately preparing inmates for community reintegration. In light of the Auditor General's report[17] and the testimony heard, the Committee finds that, while recognizing current efforts towards reconciliation, much work remains to be done. The Committee endorses the words of the Correctional Investigator of Canada, Ivan Zinger: "I am encouraged by some of this government's approach in terms of a truly equal partnership."[18]

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13 *R. v. Gladue* [1999] 1 S.C.R. 688, para 64.

14 Truth and Reconciliation Commission of Canada, *Honouring the Truth, Reconciling the Future*, Summary of the Final Report of the Truth and Reconciliation Commission of Canada, 2015, p. 170.

15 For more background, but through the lens of provincial corrections, see the brief submitted by Peter Kirby, sent to the Committee on 21 February 2018.

16 House of Commons Standing Committee on Public Safety and National Security, *Mental Health and Drug and Alcohol Addiction in the Federal Correctional System*, 3rd Session, 40th Parliament, December 2010.

17 2016 Fall Reports of the Auditor General of Canada, *Report 3 – Preparing Indigenous Offenders for Release – Correctional Service Canada*.

18 SECU, Ivan Zinger (Correctional Investigator of Canada, Office of the Correctional Investigator of Canada), *Evidence*, 7 November 2017.

OVERVIEW OF THE SITUATION

A. Trends and observations

Indigenous inmates present complex and multidimensional challenges for the CSC when administering sentences. For example:

- "[Indigenous] people under federal sentence tend to be younger, less educated, and more likely to present a history of substance abuse, addictions and mental health concerns."[19]

- Indigenous inmates tend to have more health problems, including Fetal Alcohol Spectrum Disorder.[20]

- They are more likely to be serving a sentence for violence and to be gang-affiliated and are more likely to be involved in use of force interventions.[21]

In his Annual Report 2015-2016, the former Correctional Investigator Howard Sapers, noted that: "[i]f anything, [statistics] suggest acceleration or deepening of trends that have been with us for some time."[22] Some people believe that this intensification is caused in part by the increase in the number of mandatory minimum sentences in federal legislation.[23]

The Office of the Correctional Investigator told the Committee that the problem areas are now deeply and firmly entrenched.[24] The figures speak for themselves:

- "[Indigenous] people comprise 22.8% of the total incarcerated population, although they comprise just 4% of Canada's population. The

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19 Office of the Correctional Investigator, *Annual Report of the Office of the Correctional Investigator 2013–2014*.

20 House of Commons Standing Committee on Public Safety and National Security, *Mental Health and Drug and Alcohol Addiction in the Federal Correctional System*, 40th Parliament, 3rd Session, December 2010.

21 Office of the Correctional Investigator, *Annual Report of the Office of the Correctional Investigator 2013–2014*.

22 Office of the Correctional Investigator, *Annual Report of the Office of the Correctional Investigator 2015–2016*.

23 See the joint brief submitted by CATIE, Prisoners with HIV/AIDS Support Action Network, Canadian Aboriginal AIDS Network and Canadian HIV/AIDS Legal Network, December 2017.

24 Office of the Correctional Investigator, Speaking Notes, 1 December 2016.

Prairie region now manages 51% of the national [Indigenous] offender population."[25]

- "Since March 2005, the federal inmate population has increased by 17.5%. Over the same period, the [Indigenous] population grew by 47.4%."[26]
- "The federally sentenced women population has increased 66%, with the [Indigenous] women count growing by 112%."[27]
- Indigenous inmates are serving more of their sentences in the institution before their first release – their rate of statutory release having now surpassed 80% (meaning that they are being released at the two-third mark of their sentence as required, by law, under section 127 of the *Corrections and Conditional Release Act*).[28]
- Indigenous inmates are more likely to spend more time in segregation compared to non-Indigenous inmates.[29]
- The younger offender population, aged 18 to 25 years of age are more likely to be of [Indigenous] descent than older offenders (36.6% versus 21.5% respectively).[30]
- Indigenous inmates are over-represented in maximum security populations.[31]

Self-reported data from 316 male offenders enrolled in the CSC Aboriginal Offender Substance Abuse Program has revealed the following information:

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25 Office of the Correctional Investigator, *Annual Report of the Office of the Correctional Investigator 2013–2014*.

26 Ibid.

27 Ibid.

28 Ibid.

29 Ibid.

30 Ibid.

31 Ibid.

- Half of the sample indicated that they had been in the care of the child welfare system – 71% had spent time in foster care and 39% in a group home.
- 61% had family members who had spent time in prison.
- 73% reported a family history of involvement with the residential school system; 18% said they themselves were residential school survivors.
- Almost all (96%) indicated that substance use was related to their current offence; 85% reported they were under the influence at the time of their offence.
- 88% reported they had a family member struggling with alcohol or drug addiction issues.
- Nearly one-third of the sample indicated they were first introduced to Indigenous cultural teachings in prison.[32]

POSSIBLE SOLUTIONS

A. Sections 81 and 84 of the *Corrections and Conditional Release Act*

Pursuant to sections 79 to 84.1 of the *Corrections and Conditional Release Act* (CCRA)[33] CSC is required to respect the cultural differences and specific needs of Indigenous offenders in the discharge of its mandate, and more specifically in the delivery of services and programs.

Under section 81 of the CCRA, the Minister of Public Safety may enter into an agreement with an Indigenous community for the provision of correctional services[34] to Indigenous

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32 The bullet points were taken from the Office of the Correctional Investigator, *Annual Report of the Office of the Correctional Investigator 2013–2014*, based on information provided in the Correctional Service of Canada, *The Cultural, Social and Substance Use Histories of Male Offenders Enrolled in the Aboriginal Offender Substance Abuse Program (AOSAP)*, January 2013, No. RS 13-02.

33 Appendix C of the report.

34 *Correctional services* means services or programs for offenders, including their care and custody; see *Corrections and Conditional Release Act* [CCRA], s. 79 (Definitions).

offenders[35] if both the offender and the community agree to the transfer. This section currently provides for the operation of Healing Lodges but according to CSC it also:

> ... supports a wide spectrum of custodial or service delivery arrangements for the care and custody of Aboriginal offenders. It contemplates that an offender could be transferred to the care and custody of an Aboriginal community at any time during his or her sentence, from the date of sentencing to the date of warrant expiry. This can involve the supervision of offenders in such cases as day parole, full parole, or statutory release.[36]

Section 81 of the Act is therefore intended "to enable a degree of Aboriginal control, or at least participation in, an offender's sentence, from the point of sentencing to warrant expiry."[37]

Section 84 of the CCRA requires CSC to involve communities in planning for the release of Indigenous inmates to the community. If an inmate expresses an interest in being released into an "aboriginal community,"[38] CSC is required to provide the community with an opportunity to propose a plan for the inmate's release and integration.[39] Section 84 therefore encourages "the participation of [Indigenous] communities, by requiring CSC to seek their input as part of the process."[40] "Section 84 differs substantially from Section 81 in that it is directive and not permissive."[41] Only offenders on parole or statutory release can be released under section 84.

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35 Of note, the CCRA uses the term "Aboriginal" (as opposed to Indigenous) as meaning "Indian, Inuit or Métis" (section 79 CCRA).

36 Correctional Service of Canada, *Aboriginal community development in corrections: Enhancing the Role of Aboriginal Communities Booklet*.

37 Correctional Service of Canada, *Aboriginal community development in corrections: Enhancing the Role of Aboriginal Communities Booklet*.

38 An "aboriginal community" is defined in the CCRA as "a first nation, tribal council, band, community, organization or other group with a predominantly aboriginal leadership" (section 79 CCRA).

39 Section 84 of the CCRA.

40 Correctional Service of Canada, *Aboriginal community development in corrections: Enhancing the Role of Aboriginal Communities Booklet*.

41 Correctional Investigator of Canada, *Spirit Matters: Aboriginal People and the Corrections and Conditional Release Act*, 2012, p. 24.

1. Healing lodges

Healing lodges are correctional facilities that draw on traditional healing approaches to improve the reintegration of offenders into the community. When these lodges were introduced in 1990s, they were looked at around the world as best practices.[42]

Today, there are nine healing lodges across the country, four of which are funded and managed by CSC and its staff. The remaining five are funded by CSC but managed by community partner organizations that have an agreement with CSC under section 81 of the CCRA.[43]

Table 1 – Healing Lodges Managed by CSC

Okimaw Ohci Healing Lodge, Maple Creek, Saskatchewan	Minimum/medium security institution for women • Number of beds: 30 • Number of employees: 65 (2012)
Pê Sâkâstêw Centre, Maskwacis, Alberta	Minimum security institution for men • Number of beds: 60 • Number of employees: 53 (2012)
Kwìkwèxwelhp Healing Village, Harrison Mills, British Columbia	Minimum security institution for men • Number of beds: 50 • Number of employees: 70 (2012)
Willow Cree Healing Lodge, Duck Lake, Saskatchewan	Minimum security institution for men • Number of beds: 80 • Number of employees: 56 (2012)

Source: Taken directly from the Correctional Service Canada, *Correctional Service Canada Healing Lodges*.

42 SECU, Ivan Zinger (Correctional Investigator of Canada, Office of the Correctional Investigator of Canada), *Evidence*, 7 November 2017.

43 Correctional Service Canada, *Correctional Service Canada Healing Lodges*.

Table 2 – Healing Lodges Operated by Indigenous Communities

Stan Daniels Healing Centre, Edmonton, Alberta Managed by Native Counselling Services of Alberta	Minimum security institution for men and a Community Residential Facility for offenders on conditional release in the community • Number of beds: 73 • Number of employees: 33 (2012)
Buffalo Sage Wellness House, Edmonton, Alberta Managed by Native Counselling Services of Alberta	Minimum/medium security institution for women, as well as a Community Residential Facility for women offenders who are on release in the community • Number of beds: 16 [recently increased to 28, Evidence of Anne Kelly, Senior Deputy Commissioner, Correctional Service of Canada, 31 October 2017] • Number of employees: 17 (2012)
Waseskun Healing Centre, Saint-Alphonse-Rodriguez, Quebec Managed by the Waseskun Healing Centre	Minimum security institution for men and a Community Residential Facility for offenders who are on some form of conditional release to the community • Number of beds: 22 • Number of employees: 32 (2012)
O-Chi-Chak-Ko-Sipi Healing Lodge, Crane River, Manitoba Managed by the O-Chi-Chak-Ko-Sipi First Nation	Minimum security institution for men • Number of beds: 24 • Number of employees: 18 (2012)
Prince Albert Grand Council Spiritual Healing Lodge, Wahpeton First Nation, Saskatchewan Managed by the Prince Albert Grand Council	Minimum security institution for men • Number of beds: 12 • Number of employees: 11

Source: Taken directly from the Correctional Service Canada, *Correctional Service Canada Healing Lodges*.

According to Anne Kelly, Senior Deputy Commissioner, Correctional Service of Canada,[44] the lodges are functioning as intended.[45] However, some witnesses noted shortcomings. First, not all communities have the capacity to participate.[46] The space in the community to support Indigenous offenders is far from adequate, as there are no agreements in place in British Columbia, Ontario, Atlantic Canada, and the far north.[47] Moreover, the Correctional Investigator noted that "[t]hree of the four aboriginal-run healing lodge facilities are on reserve land, yet [I]ndigenous offenders are being released to urban settings."[48]

The Correctional Investigator summarized the difficulties arising from the application of section 81 of the CCRA:

> The problem is with section 81. It was a wonderful provision from 1992. Since then, it was about negotiating with the Aboriginal community for the custody of an Indigenous individual. We have less than 100 bed spaces for that, often below capacity, and that has never been implemented as it was designed. I think it falls short and the investments have all been for institutional corrections, which is dictated by the Correctional Service of Canada and isn't responsive, in my view, to the needs of Aboriginal offenders. I would sure like to see a huge change in terms of endorsing those provisions. Parliament has made it clear that this was the way to go. In my view, those provisions have not been implemented to their fullest.[49]

Another problem is the assessment of security classifications (which is discussed in a subsequent section). Because the lodges are minimum security institutions, they are not available to the majority of Indigenous offenders because they are predominantly placed in medium or maximum security institutions.[50]

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44 On 31 January 2018, Anne Kelly was appointed acting CSC commissioner.

45 SECU, Anne Kelly (Senior Deputy Commissioner, Correctional Service Canada), *Evidence*, 31 October 2017.

46 SECU, Angela Connidis (Director General, Crime Prevention, Corrections and Criminal Justice Directorate, Department of Public Safety and Emergency Preparedness), *Evidence*, 31 October 2017.

47 SECU, Ivan Zinger (Correctional Investigator of Canada, Office of the Correctional Investigator of Canada), *Evidence*, 7 November 2017. SECU, Angela Connidis (Director General, Crime Prevention, Corrections and Criminal Justice Directorate, Department of Public Safety and Emergency Preparedness), *Evidence*, 31 October 2017.

48 SECU, Ivan Zinger (Correctional Investigator of Canada, Office of the Correctional Investigator of Canada), *Evidence*, 7 November 2017.

49 Senate, Standing Committee on Human Rights, *Evidence*, 1st Session, 42nd Parliament, 8 February 2017 (Mr. Ivan Zinger, Correctional Investigator, Office of the Correctional Investigator of Canada).

50 SECU, Ivan Zinger (Correctional Investigator of Canada, Office of the Correctional Investigator of Canada), *Evidence*, 7 November 2017. See 2016 Fall Reports of the Auditor General of Canada, *Report 3 – Preparing Indigenous Offenders for Release – Correctional Service Canada*.

Another shortcoming identified by witnesses is the funding gap between healing lodges operated by Indigenous communities and those operated by CSC.[51] Hazel Miron, Senior Investigator with the Office of the Correctional Investigator of Canada, notes: "For section 81 facilities especially, there's not enough money and resources to do the work that needs to be done."[52] She further commented on the lack of Indigenous staff:

> There's an under-representation of [I]ndigenous staff working at the healing lodges, especially in senior-level positions. Elders do not have the decision-making authority that they're supposed to have... In my role as senior investigator, I always hear the comment, "Wow, it's so good to see an [I]ndigenous senior investigator." I'm proud of that, because at least I give a voice... There are not enough [I]ndigenous staff members to offer assistance or to act as role models for [I]ndigenous inmates there.[53]

Savannah Gentile, Director, Canadian Association of Elizabeth Fry Societies, noted that this funding difference results in substantial staff turnover in lodges operated by Indigenous communities.[54]

In light of the above and the Truth and Reconciliation Commission of Canada's call to action no. 35 to "eliminate barriers to the creation of additional Aboriginal healing lodges within the federal correctional system" and the recommendations already made by the Committee in 2010, we recommend:

Recommendation 2

That Correctional Service Canada increase the number of agreements with Indigenous communities under section 81 of the *Corrections and Conditional Release Act*.

Recommendation 3

That the Government of Canada increase funding to Indigenous communities for agreements under section 81 of the *Corrections and Conditional Release Act* in order to address the funding gap between healing lodges operated by Indigenous communities and those operated by the Correctional Service Canada.

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51 SECU, Ivan Zinger (Correctional Investigator of Canada, Office of the Correctional Investigator of Canada), *Evidence*, 7 November 2017.

52 SECU, Hazel Miron (Senior Investigator, Office of the Correctional Investigator of Canada), *Evidence*, 7 November 2017.

53 Ibid.

54 SECU, Savannah Gentile (Director, Advocacy and Legal Issues, Canadian Association of Elizabeth Fry Societies), *Evidence*, 23 November 2017.

2. Opportunities to work with Indigenous communities

The Indigenous Community Corrections Initiative helps Indigenous offenders reintegrate into their community. In her testimony provided to the Committee in October 2017, Angela Connidis explained that Public Safety Canada provides $10 million in funding to support training and capacity-building within Indigenous communities to help them implement community-based projects that will in turn assist them in the reintegration of offenders.[55] According to Anne Kelly, Indigenous offenders with a release plan under section 84 of the CCRA who engaged with the Indigenous community were more likely to receive day parole.[56]

The Committee therefore believes that increasing the number of transfers of responsibilities to Indigenous communities under section 84 will support the well-being and recovery of Indigenous offenders. The Committee agrees with the Correctional Investigator's recommendation to increase the number of government-to-government agreements that would transfer the care, custody, and supervision of Indigenous offenders to First Nation, Métis, and Inuit communities.[57] The Committee therefore reiterates the same recommendation it made in 2010:

Recommendation 4

That Correctional Service Canada make greater use of agreements concluded with Indigenous communities under section 84 of the *Corrections and Conditional Release Act*, and establish the required capacity.

And also recommends:

Recommendation 5

That Correctional Service Canada make increased use of elder assisted parole hearings.

Recommendation 6

That the *Corrections and Conditional Release Act* be amended to require a parliamentary review by a joint committee of the House of Commons and the Senate, every five years,

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55 SECU, Angela Connidis (Director General, Crime Prevention, Corrections and Criminal Justice Directorate, Department of Public Safety and Emergency Preparedness), Evidence, 31 October 2017.

56 SECU, Anne Kelly (Senior Deputy Commissioner, Correctional Service Canada), Evidence, 31 October 2017.

57 Office of the Correctional Investigator, Speaking Notes, 1 December 2016.

of the provisions of the *Corrections and Conditional Release Act* concerning Indigenous peoples, specifically sections 81 and 84.

B. Security classification assessment

As to the issue of security classifications, Senator Pate told the Committee that, in 2004, CSC commissioned a study on security classifications for women in particular. After interviewing staff, inmates and outside individuals, including the Correctional Investigator, the author of the study recommended that all women prisoners be started at minimum security. This recommendation was never implemented by CSC.[58]

In 2016, the Auditor General of Canada recommended that CSC assess offenders for a reduction in their security level following the successful completion of a program.[59] Since 1 April 2017, CSC systematically assesses the security level of Indigenous offenders who have successfully completed a program.[60]

In terms of assessing security levels, Larry Motiuk, Assistant Commissioner, Policy Sector, Correctional Service Canada, said that CSC takes several factors into consideration: criminal history, the severity of the offence, and the amount of harm that's done to victims. "Dynamic" factors are also taken into consideration, including employment history, educational background, marital and family situations, substance misuse and personal and emotional factors, such as impulsivity or the ability to self-regulate.[61]

The unique circumstances of Indigenous people often lead to higher security levels: "Many [I]ndigenous offenders upon arrival find themselves in a higher area of concern for management, particularly through gang affiliations, violence, and whatnot."[62] The Correctional Investigator added:

> We have many individuals who are classified in maximum security because they have significant mental health issues. There's a high prevalence of [I]ndigenous offenders with FASD. There are some severe addiction issues. People are being put into a higher classification than needed, rather than into a therapeutic environment where trauma-

58 SECU, Kim Pate (Senator), *Evidence*, 23 November 2017.

59 2016 Fall Reports of the Auditor General of Canada, *Report 3 – Preparing Indigenous Offenders for Release – Correctional Service Canada*.

60 SECU, Anne Kelly (Senior Deputy Commissioner, Correctional Service Canada), *Evidence*, 31 October 2017.

61 SECU, Larry Motiuk (Assistant Commissioner, Policy Sector, Correctional Service Canada), *Evidence*, 31 October 2017.

62 SECU, Larry Motiuk (Assistant Commissioner, Policy Sector, Correctional Service Canada), *Evidence*, 31 October 2017.

> informed therapy is provided, where sustained addiction issues are being addressed, and where mental health issues and cultural needs are being looked after.[63]

Furthermore, witnesses noted that CSC has never created a risk assessment tool specific to Indigenous people.[64] In fact, the Supreme Court of Canada made a decision recently on the assessment tools used by CSC with regard to Indigenous offenders.[65] Parole officer Audra Andrews notes:

> Perhaps they need to look at some of those culturally relevant tools, because often the custody rating scale—and I've done hundreds of them in my career—is unfairly biased on aboriginal offenders. Their security rating is going to come out higher all the time. Very rarely did I have an offender who would come out as minimum. It was very rare.[66]

On top of that is the issue of access to correctional programs. Although the same programs are available at all security levels,[67] few are offered in maximum security establishments, where the majority of the prison population is Indigenous, because of operational problems (a fragmented prison population, gang-related safety issues, lockdowns, etc.).[68]

In light of the above, the Committee recommends:

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63 SECU, Ivan Zinger (Correctional Investigator of Canada, Office of the Correctional Investigator of Canada), *Evidence*, 7 November 2017.

64 SECU, Ivan Zinger (Correctional Investigator of Canada, Office of the Correctional Investigator of Canada), *Evidence*, 7 November 2017; SECU, Audra Andrews (Representative, Union of Solicitor General Employees), *Evidence*, 7 November 2017; SECU, Allen Benson (Chief Executive Officer, Native Counselling Services of Alberta), *Evidence*, 21 November 2017.

65 *Ewert v. Canada*, 2018 SCC 30. In light of the principle found in paragraph 4(g) of the CCRA [respect of gender, ethnic, cultural and linguistic differences and the special needs of aboriginal], the Supreme Court held:

"By disregarding the possibility that these tools are systematically disadvantaging Indigenous offenders and by failing to take any action to ensure that they generate accurate information, the CSC fell short of what it is required to do under s. 24(1) of the CCRA"; (par.66)

Although this Court is not now in a position to define with precision what the CSC must do to meet the standard set out in s. 24(1) in these circumstances, what is required, at a minimum, is that if the CSC wishes to continue to use the impugned tools, it must conduct research into whether and to what extent they are subject to cross-cultural variance when applied to Indigenous offenders. (par. 67)"

66 Audra Andrews (Representative, Union of Solicitor General Employees), *Evidence*, 7 November 2017.

67 SECU, Anne Kelly (Senior Deputy Commissioner, Correctional Service Canada), *Evidence*, 31 October 2017.

68 SECU, Ivan Zinger (Correctional Investigator of Canada, Office of the Correctional Investigator of Canada), *Evidence*, 7 November 2017.

Recommendation 7

That Correctional Service Canada develop risk assessment tools that are more sensitive to Indigenous reality and review its security classification assessment process.

Recommendation 8

That Correctional Service Canada, in its security classification and risk assessment, consider the need to provide Indigenous offenders with appropriate treatment and rehabilitation, and work to increase the number of Indigenous inmates eligible to serve their sentence in healing lodges or have access to culturally appropriate programming.

Recommendation 9

That Correctional Service Canada review its diagnoses and treatment of fetal alcohol spectrum disorder upon admission to corrections.

Recommendation 10

That Correctional Service of Canada liaise with Indigenous Services Canada in delivering a continuum of care that is consistent for Indigenous inmates and that the Correctional Service of Canada, upon release, advise Indigenous inmates of available health services at the point of release.

C. Capacity to work effectively with Indigenous offenders

The Office of the Correctional Investigator "has over the years repeatedly recommended that CSC appoint a Deputy Commissioner specifically responsible for Aboriginal corrections to ensure that the Service incorporates Aboriginal concerns into all of its operational and policy decisions at the senior level. The OCI remains concerned that Aboriginal specific issues are not receiving adequate emphasis."[69] In response to a question about changing the governance structure, Anne Kelly said that "the structure we have now is a good one."[70] In that the Senior Deputy Commissioner can identify trends and influence decisions.

However, like many of its witnesses, the Committee believes that the situation is not only critical, but urgent. To increase CSC's ability to respond to the needs of Indigenous

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69 Office of the Correctional Investigator, *Good Intentions, Disappointing Results: A Progress Report on Federal Aboriginal Corrections*.

70 SECU, Anne Kelly (Senior Deputy Commissioner, Correctional Service Canada), *Evidence*, 31 October 2017.

offenders, the Committee urges CSC to amend its current governance structure and immediately appoint a deputy commissioner for Indigenous corrections. Such an amendment would pay special, targeted attention to Indigenous offenders in operational and policy decisions. To this end, the Committee recommends:

Recommendation 11

That a deputy commissioner for Indigenous affairs be immediately appointed within federal corrections.

D. Training and recruiting officers

Both the successful implementation of sections 81 and 84 of the CCRA and the use of accurate risk assessment tools depend, to some extent, on the quality of correctional officer training and recruitment. According to Audra Andrews, training must be varied and build on community experience:

> Classroom and online training is proposed to inform staff about Gladue principles and aboriginal social history as part of their response, but it also needs to include experiential training, such as with elders and with the communities we serve.[71]

Furthermore, Dale LeClair, Chief of Staff, Métis National Council, mentioned the importance of recruiting Indigenous officers:

> When we developed the healing lodge concept and the program, these were facilities that were run by [I]ndigenous people. Pê Sâkâstêw has 60% to 70% [I]ndigenous employees. We took that reasoning and that blame away from them. I would say the same thing.... The more we fill our systems with [I]ndigenous people who want to help and understand the system, the better.[72]

Currently, 9.5% of CSC staff have self-identified as Indigenous, which, according to Anne Kelly, is above the workforce availability estimate of 6.2%.[73] However, Zef Ordman, Regional Vice-President, Union of Solicitor General Employees, believes that the hiring process – which can drag on while the candidate is not paid in any way – prevents a lot of people from entering this field.[74]

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71 SECU, Audra Andrews (Representative, Union of Solicitor General Employees), *Evidence*, 7 November 2017.

72 SECU, Dale LeClair (Chief of Staff, Métis National Council), *Evidence*, 21 November 2017.

73 SECU, Anne Kelly (Senior Deputy Commissioner, Correctional Service Canada), *Evidence*, 31 October 2017.

74 SECU, Zef Ordman (Regional Vice-President, Union of Solicitor General Employees), *Evidence*, 7 November 2017.

The hiring process requires careful consideration, especially in the case of elders, according to Neal Freeland:

> Elders in prison started out with actual elders from the community being paid by CSC to come in and be the elder for convicts, both men and women. I think around the early 2000s that policy changed, or that had changed internally within CSC, and elders were no longer approached by CSC. Instead these roles were advertised as jobs. If you're a native person, any native person, any age, you could be hired by CSC and be called an elder and get a paycheque and be the elder. That's not how [I]ndigenous people, Métis, Inuit, and first nations, pick an elder or recognize an elder.... Elders need to be community-based elders. That means a community of [I]ndigenous people recognize the person to be an elder. Which means CSC needs to absolutely end the practice of creating Elders themselves.[75]

In light of the above, the Committee recommends:

Recommendation 12

That Correctional Service Canada provide professional, community-based training to parole officers, simplify the hiring process for officers, and raise community awareness to increase the number of Indigenous staff.

Recommendation 13

That the Government of Canada consider grants for potential Indigenous correctional employees to cover the costs of their training.

Recommendation 14

That Correctional Service Canada whenever possible call upon elders who are recognized as such by Indigenous communities.

E. Youth programs

Indigenous youth are in contact with the criminal justice system at rates that surpass even those of their parents. According to statistics and the testimony heard, the incarceration rate for Indigenous youth is alarming. In 2015-2016, 35% of all admissions to youth correctional facilities in Canada were Indigenous youth between the ages of 12

75 SECU, Neal Freeland (as an individual), *Evidence*, 23 November 2017.

and 17.[76] In the OCI's latest systemic investigation, roughly 40% of young people (aged 18 to 21) in federal penitentiaries were of Indigenous ancestry.[77]

In addition, the Committee learned that there are no specific programs for Indigenous young adults in federal correctional facilities. According to Lois Frank, a Gladue writer in Alberta, "[a] lot of these young people don't learn their culture in prison, because many times they don't have access to programs."[78] Witnesses agreed that we must do better for young Indigenous inmates and that this should be a priority. Allen Benson sums up what we heard:

> The youth in corrections issue is a real challenge, and yes, it should be a priority. Correction Service of Canada did an evaluation a number of years ago on the "in search of your warrior" program that addressed healing, and 87% of those offenders have not reoffended violently. That's a high success rate. That program was used for young offenders and for the younger population, and yet that program is no longer supported or delivered in correctional centres. We train people across Canada to deliver that program. I think it's important that they revisit the kind of healing programs or rehabilitation programs that address the younger, more violent population.[79]

Witnesses believe young Aboriginal adults need culturally appropriate programs.[80] For example, Claire Carefoot, Director of the Corrections Program at the Buffalo Sage Wellness House, mentioned the Tapwe Youth Warrior Program.[81]

The Correctional Investigator also noted the lack of strategy to distance young people from street gangs or prevent them from being recruited into them in penitentiaries.[82]

In light of the above, the Committee recommends:

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76 SECU, Ivan Zinger (Correctional Investigator of Canada, Office of the Correctional Investigator of Canada), *Evidence*, 7 November 2017.

77 SECU, Ivan Zinger (Correctional Investigator of Canada, Office of the Correctional Investigator of Canada), *Evidence*, 7 November 2017.

78 SECU, Lois Frank (Gladue Writer, Alberta Justice), *Evidence*, 21 November 2017.

79 SECU, Allen Benson (Chief Executive Officer, Native Counselling Services of Alberta), *Evidence*, 21 November 2017.

80 SECU, Terry Teegee (Regional Chief, Assembly of First Nations), *Evidence*, 21 November 2017; SECU, Allen Benson (Chief Executive Officer, Native Counselling Services of Alberta), *Evidence*, 21 November 2017.

81 SECU, Claire Carefoot (Director, Corrections Program, Buffalo Sage Wellness House, Native Counselling Services of Alberta), *Evidence*, 21 November 2017.

82 SECU, Ivan Zinger (Correctional Investigator of Canada, Office of the Correctional Investigator of Canada), *Evidence*, 7 November 2017.

Recommendation 15

That Correctional Service Canada implement correctional programs designed specifically to meet the needs of Indigenous young adults in the correctional system.

F. Women's programs

Like Indigenous youth, Indigenous women are also alarmingly over-represented in the correctional system. Between 2004 and 2014, the number of women in custody increased by 66.8%.[83] Federally sentenced women are the fastest growing segment of the prison population.[84]

Indigenous women offenders often suffer from trauma and lack adequate treatment programs:

> I think one thing we are also very sensitive to is that the rate of trauma among [I]ndigenous women is very high, extremely high. I would argue that, yes, they are offenders, but first and foremost they have also been victims. The rate of physical, sexual, and psychological abuse is extremely high. The rate of trauma is also extremely high. The rate among [I]ndigenous women with respect to self-harm and suicide attempts is off the charts, much higher than for non-[I]ndigenous women. The service confines these women in an overly restrictive and harsh environment when it comes to secure units. There is no therapeutic approach and certainly no trauma-informed approach to address the high needs of these women.[85]

These women are therefore in great need of help. They are usually young, serving relatively short sentences and 75% of them have children under the age of 18.[86] Although CSC developed a program specifically for Indigenous women offenders – the program, called Circle of Care, is assisted by women elders throughout[87] – the general opinion among witnesses was that more needs to be done. Savannah Gentile said that,

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83 See Office of the Correctional Investigator, *Annual Report of the Office of the Correctional Investigator 2013-2014*.

84 Office of the Correctional Investigator, *Annual Report of the Office of the Correctional Investigator 2013-2014*.

85 SECU, Ivan Zinger (Correctional Investigator of Canada, Office of the Correctional Investigator of Canada), *Evidence*, 7 November 2017.

86 Office of the Correctional Investigator, *Annual Report of the Office of the Correctional Investigator 2013-2014*.

87 SECU, Anne Kelly (Senior Deputy Commissioner, Correctional Service Canada), *Evidence*, 31 October 2017.

particularly from a therapeutic point of view, "substantive equality calls for a different approach."[88]

Furthermore, in his 2017 report, the Auditor General noted that "some Indigenous women offenders did not have access to culturally specific correctional programs and that Pathways Initiatives and Healing Lodges were not available at all five federal women's institutions."[89]

Claire Carefoot talked to the Committee about programs that could serve as models for CSC institutions, for example a mother-child program[90] and the Spirit of a Warrior program for Indigenous women.[91] Audra Andrews also mentioned specific programs, while highlighting some barriers:

> For instance, in Edmonton they have Women Building Futures, which is trying to get women into the trades program. Well, we can't get our offenders into that program until they have no conditions imposed on their release.[92]

In light of the above, the Committee recommends:

Recommendation 16

That Correctional Service Canada adopt a trauma-informed therapeutic approach by implementing correctional programs that are adapted to the specific needs of Indigenous women.

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88 SECU, Savannah Gentile (Director, Advocacy and Legal Issues, Canadian Association of Elizabeth Fry Societies), *Evidence*, 23 November 2017.

89 2017 Fall Reports of the Auditor General of Canada, *Report 5 – Preparing Women Offenders for Release – Correctional Service Canada*. For more information on Pathway Initiatives see paragraph 5.59 of Report 5.

90 In this regard, the *Annual Report of the Office of the Correctional Investigator 2013-2014* notes that "[m]aintaining family relationships between women and their children throughout their incarceration increases the chances of a woman's successful reintegration following her sentence, but presents a number of challenges in the correctional environment. Often, women report that visits are difficult to coordinate with the current primary caregiver and that long distance visits and telephone calls are not practical or affordable."

91 SECU, Claire Carefoot (Director, Corrections Program, Buffalo Sage Wellness House, Native Counselling Services of Alberta), *Evidence*, 21 November 2017.

92 SECU, Audra Andrews (Representative, Union of Solicitor General Employees), *Evidence*, 7 November 2017.

Recommendation 17

That Correctional Service Canada adjust its work programs to reflect the current labour market in ways that do not reinforce gender stereotype jobs with a goal of supporting the successful rehabilitation and reintegration of Indigenous offenders.

G. Employment programs

For a start, on admission to federal penitentiaries, 60% of the inmates have an employment issue.[93]

On this topic, Anne Kelly talked about CORCAN initiatives to set up employment centres in two healing lodges in the Prairies region.[94] Although the Correctional Investigator praised CORCAN, he noted that these prison industries involve less than 10% of the inmate population.[95]

Audra Andrews noted that communities already have the capacity to provide vocational training, but CSC isn't building bridges with them:

> We could start building bridges, making agreements with some of those organizations and bringing them into the prisons instead of using the whole made-in-CSC approach, which we tend to do in terms of providing it all in the institution, using CSC stuff. Some of these people have already done the program, so why are we reinventing the wheel? We should be bringing them into the institutions and utilizing those resources so that we make that bridge again for the offenders when they get out on release.[96]

Another issue clearly emerged from witness testimony: obtaining proper ID. Under its policy on the release process, CSC must help offenders obtain "health care coverage, social insurance number, birth certificate and citizenship card/permanent resident card" on release.[97] The problems of obtaining appropriate ID and the resulting consequences were highlighted by Zef Ordman, who clearly summarized the problem:

> Generally speaking, many of the inmates who come in don't have any ID. They don't have health cards. They don't have a driver's licence. They have nothing. Then you try to

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93 SECU, Ivan Zinger (Correctional Investigator of Canada, Office of the Correctional Investigator of Canada), *Evidence*, 7 November 2017.

94 SECU, Anne Kelly (Senior Deputy Commissioner, Correctional Service Canada), *Evidence*, 31 October 2017.

95 SECU, Ivan Zinger (Correctional Investigator of Canada, Office of the Correctional Investigator of Canada), *Evidence*, 7 November 2017.

96 SECU, Audra Andrews (Representative, Union of Solicitor General Employees), *Evidence*, 7 November 2017.

97 Correctional Service Canada, *Commissioner's Directive 712-4*, Release Process.

> facilitate [the hiring process], but federal CSC ID is not recognized. They can't even take the ID that we have for them as inmates and use it anywhere outside of the prison, so it becomes difficult. How are you going to get a job?[98]

In light of the above, the Committee recommends:

Recommendation 18

That Correctional Service Canada provide employment programs to more Indigenous offenders by establishing employment centres in all healing lodges and correctional facilities, and using, as required, community organizations that provide employment services to Indigenous offenders.

Recommendation 19

That Correctional Service Canada review and revise its policy and internal release process to make sure that Indigenous offenders can obtain ID that is recognized in the labour market, prior to release.

CONCLUSION

In light of the testimony and information received, the Committee deplores that the situation of Indigenous people in the federal correctional system is still critical and urgent.

The Committee recognizes that it is a multi-faceted problem with no single or simple answer. While CSC has made some efforts in its current approach, it must do more to respect the cultural differences and specific needs of Indigenous offenders.

The Committee believes it is high time to put words into action. CSC needs to make lasting, innovative and significant changes to Indigenous corrections.

To that end, the Committee supports the remarks of the Assembly of First Nations Regional Chief: "It's quite plain to see that we've seen so many reports, provincial reports and federal reports, about the disproportionate numbers of [I]ndigenous people incarcerated into the system. We have to do something."[99]

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98 SECU, Zef Ordman (Regional Vice-President, Union of Solicitor General Employees), *Evidence*, 7 November 2017.

99 SECU, Terry Teegee (Regional Chief, Assembly of First Nations), *Evidence*, 21 November 2017.

APPENDIX A
LIST OF WITNESSES

Organizations and Individuals	Date	Meeting
Correctional Service of Canada	2017/10/31	81
Anne Kelly, Senior Deputy Commissioner		
Larry Motiuk, Assistant Commissioner Policy Sector		
Department of Public Safety and Emergency Preparedness		
Angela Connidis, Director General Crime Prevention, Corrections and Criminal Justice Directorate		
Office of the Correctional Investigator of Canada	2017/11/07	83
Hazel Miron, Senior Investigator		
Ivan Zinger, Correctional Investigator of Canada		
Union of Solicitor General Employees		
Audra Andrews, Representative		
Zef Ordman, Regional Vice-President		
As an individual	2017/11/21	85
Lois Frank, Gladue Writer Alberta Justice		
Assembly of First Nations		
Terry Teegee, Regional Chief, British Columbia Assembly of First Nations Co-chair, National Fisheries Committee		
Métis National Council		
Dale LeClair, Chief of Staff		
Native Counselling Services of Alberta		
Allen Benson, Chief Executive Officer		
Claire Carefoot, Director Corrections Program, Buffalo Sage Wellness House		
Kim Pate, Senator	2017/11/23	86

Organizations and Individuals	Date	Meeting
Canadian Association of Elizabeth Fry Societies	2017/11/23	86
Savannah Gentile, Director Advocacy and Legal Issues		
As an individual		
Neal Freeland		

APPENDIX B
LIST OF BRIEFS

Organizations and Individuals

Bassett, William

Canadian Aboriginal AIDS Network

Canadian Civil Liberties Association

Canadian HIV/AIDS Legal Network

Catcheway, Leroy

CATIE

Delorme, James

Ewert, Jeff

Frank, Lois

Hachey, Paul

Jamieson, Charles

Kirby, Peter

Prisoners with HIV/AIDS Support Action Network

Purdy, Kelvin

Wilkinson, Derek

APPENDIX C

SECTIONS 79 TO 84.1 OF THE CORRECTIONS AND CONDITIONAL RELEASE ACT - ABORIGINAL OFFENDERS

Definitions

79 In sections 80 to 84,

aboriginal means Indian, Inuit or Métis; (*autochtone*)

aboriginal community means a first nation, tribal council, band, community, organization or other group with a predominantly aboriginal leadership; (*collectivité autochtone*)

correctional services means services or programs for offenders, including their care and custody. (*services correctionnels*)

Programs

80 Without limiting the generality of section 76, the Service shall provide programs designed particularly to address the needs of aboriginal offenders.

Agreements

81 (1) The Minister, or a person authorized by the Minister, may enter into an agreement with an aboriginal community for the provision of correctional services to aboriginal offenders and for payment by the Minister, or by a person authorized by the Minister, in respect of the provision of those services.

Scope of the agreement

(2) Notwithstanding subsection (1), an agreement entered into under that subsection may provide for the provision of correctional services to a non-aboriginal offender.

Placement of offender

(3) In accordance with any agreement entered into under subsection (1), the Commissioner may transfer an offender to the care and custody of an aboriginal community, with the consent of the offender and of the aboriginal community.

Advisory Committees

82 (1) The Service shall establish a National Aboriginal Advisory Committee, and may establish regional and local aboriginal advisory committees, which shall provide advice to the Service on the provision of correctional services to aboriginal offenders.

Committees to consult

(2) For the purpose of carrying out their function under subsection (1), all committees shall consult regularly with aboriginal communities and other appropriate persons with knowledge of aboriginal matters.

Spiritual leaders and elders

83 (1) For greater certainty, aboriginal spirituality and aboriginal spiritual leaders and elders have the same status as other religions and other religious leaders.

Idem

(2) The Service shall take all reasonable steps to make available to aboriginal inmates the services of an aboriginal spiritual leader or elder after consultation with

(a) the National Aboriginal Advisory Committee mentioned in section 82; and

(b) the appropriate regional and local aboriginal advisory committees, if such committees have been established pursuant to that section.

Release to aboriginal community

84 If an inmate expresses an interest in being released into an aboriginal community, the Service shall, with the inmate's consent, give the aboriginal community

(a) adequate notice of the inmate's parole review or their statutory release date, as the case may be; and

(b) an opportunity to propose a plan for the inmate's release and integration into that community.

Plans with respect to long-term supervision

84.1 Where an offender who is required to be supervised by a long-term supervision order has expressed an interest in being supervised in an aboriginal community, the Service shall, if the offender consents, give the aboriginal community

(a) adequate notice of the order; and

(b) an opportunity to propose a plan for the offender's release on supervision, and integration, into the aboriginal community.

REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the Committee requests that the government table a comprehensive response to this Report.

A copy of the relevant *Minutes of Proceedings* (Meetings Nos. 81, 83, 85, 86, 87, 109, 110 and 122) is tabled.

Respectfully submitted,

Hon. John McKay, P.C., M.P.
Chair